

**TESTIMONY ON BEHALF OF THE
COALITION TO PROTECT THE MISSOURI RIVER
PROVIDED BY**

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TO THE

**SUBCOMMITTEE ON GENERAL FARM COMMODITIES AND RISK
MANAGEMENT FOR THE HOUSE AGRICULTURE COMMITTEE**

Mr. Chairman and members of the Subcommittee on General Farm Commodities and Risk Management, Congressman Skelton, Congressman Hulshof. Good morning. I am Randy Asbury, executive director of the Coalition to Protect the Missouri River (CPR). CPR represents a diverse group of agricultural, navigational, utility, industrial and business-related entities all of which are Missouri River stakeholders. We support responsible management of Missouri River resources and the maintenance of congressionally authorized purposes of the river including flood control and navigation.

Gentlemen, a serious problem has created the need for this crop insurance hearing this morning and it is called the “manmade” spring rise. As the foundational issue of that which confronts us in today’s hearing, I would like to provide some history regarding the “manmade” spring rise.

In 1990, the U.S. Army Corps of Engineers (Corps) conducted its first consultation with the U.S. Fish and Wildlife Service (USFWS) on the effects of its Missouri River operations on endangered and threatened species pursuant to the Endangered Species Act (ESA).

In 2000, the Corps again consulted with the USFWS producing the 2000 Biological Opinion that concluded that the Corps’ proposed river operations for 2000 were likely to jeopardize two birds and, and most notably for today’s discussion, the endangered pallid sturgeon.

The pallid sturgeon is described as a prehistoric-looking fish and purportedly needs a “manmade” spring rise to act as a spawning cue. Ironically, a “naturally” occurring spring rise resulting from rain events and snowmelt is almost annually found on the lower 600 miles of the Missouri River.

A “manmade” spring rise on the other hand, would occur as water is artificially released from Gavins Point Dam – the lowest dam on the Missouri River Mainstem system – onto water already in the river channel below Gavin Point Dam because of Corps’ operations and/or natural precipitation events. Its purpose according to the USFWS would be to provide a more “natural” hydrograph that is supposedly more to the liking of the sturgeon.

The 2000 Biological Opinion included a Reasonable and Prudent Alternative (RPA) for the pallid sturgeon that recommended a “manmade” spring rise designed to avoid jeopardy for the sturgeon.

The Corps again consulted with the USFWS in November 2003 creating an amendment to the 2000 Biological Opinion. That opinion concluded that jeopardy would result for the sturgeon and proposed a new RPA that again mandated a “manmade” spring rise. Consequently, we find ourselves on the brink of not one – but two – “manmade” spring rises to occur in March and May.

The stakeholders we represent have steadfastly opposed “manmade” spring rises since the early nineties, as the plan is based on inadequate and unproven science, has not been properly analyzed for its socio-economic impacts and generally ignores downstream interests.

Because poor science forms the basis of the “manmade” spring rise mandate, the Missouri River has become an experiment-driven river. The haphazard nature of an experiment-driven river produces unreliability and potential economic hardship!

United States Geological Survey (USGS) scientists have confirmed that pallid sturgeons are spawning in the Missouri River without a spring rise – “manmade” or natural. Given that revelation, the issues discussed today and precipitated by the artificial spring rise are unnecessary when we know that USGS scientists point to factors such as temperature and photoperiod as more advantageous to sturgeon spawning than a “manmade” spring rise.

Moreover, the August 2005 Eighth Circuit Court (Court) ruling affirmed flood control as a dominant function of the Flood Control Act of 1944 (FCA) for the Missouri River Mainstem Reservoir System. The Court also stated that, “It follows that if future circumstances should arise in which [Endangered Species Act] compliance would force the Corps to abandon the dominant FCA...purpose[] of flood control..., the ESA would not apply.”

The spring rises have the distinction of becoming an experiment without a conclusion. No baselines exist to gauge the success or failure of the experiment, therefore, we can arguably anticipate their failing and larger rises released in the future in the name of “science”. Larger rises almost certainly expose our producers to adverse economic risk by overtopping of levees and interior drainage problems. Such occurrences would cause us to seek a federal compensation package to make all with crop losses whole regardless of whether they had crop insurance.

In the meantime, we continue to work with the Administration to address this insurance issue. Moreover, we continue to evaluate the \$85 million proposed by the Administration for ESA recovery on the river. We have serious reservations regarding those funding levels for experiments not based on sound and independent science.

I appreciate the opportunity to express the frustration we face with having to address issues that arise from the ill-conceived “manmade” spring rise.